



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 7980-99

7 April 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy filed enclosure (1) with this Board requesting that his reenlistment code be changed.

2. The Board, consisting of Mr. Molzahn, Ms. Madison and Ms. McCormick, reviewed Petitioner's allegations of error and injustice on 4 April 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner reenlisted in the Navy on 24 July 1990. At that time he had completed almost six years of active service on prior enlistments. On 30 October 1992 he completed 46 weeks of training in Phase I of the Special Operations Independent Duty Course. On 2 March 1993 he completed 14 weeks of training in phase II of that course at the U. S. Army Special Warfare Center. On 6 March 1993 he reported to the Special Warfare Center as an instructor. The performance evaluation for the period ending 31 March 1993 is not observed but states that Petitioner was the first Navy instructor assigned for duty with the Army school. In the performance evaluation for the period ending 23 July 1994, he was assigned an overall evaluation of 4.0 and was highly

recommended for advancement and retention. He was honorably discharged on 22 July 1994 at the expiration of his enlistment. At that time he was assigned an RE-4 reenlistment code.

d. The only documentation to support the assignment of the RE-4 reenlistment code is an entry on the Enlisted Performance Record (Page 9) stating that he was not recommended for reenlistment. The Board is aware that Petitioner would have incurred an extended active duty obligation in exchange for the training he received, and his failure to incur the additional service may have led to the RE-4 reenlistment code. Normally, if an individual cannot reenlist or extend in advance to attend training because such an action could reduce the amount of any future reenlistment bonus, the individual must sign an agreement to extend or reenlist upon completion of training, and acknowledge that failure to do so will result in an RE-4 reenlistment code. No such agreement is filed in Petitioner's record.

e. Petitioner states in his application that he is employed as a paramedic but desires to again serve in the military. He believes that his record of achievements should support a recommendation for reenlistment.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. The Board notes the absence of any documentation to support the assignment of the RE-4 reenlistment code. However, it is probable that it was assigned because of his failure to incur additional obligated service as pay back for his training. This valuable training totaled 60 weeks and Petitioner only served on active duty about 16 months after completion of training. Given the circumstances, the Board concludes that Petitioner did not incur the required active duty and the RE-4 reenlistment code was properly assigned. However, the Board also notes that the record fails to reflect that he was ever advised of the requirement to incur additional obligated service. The Board is further aware of his excellent performance of duty and his qualification as a Special Operations Independent Duty Corpsman. The Board believes that whatever the reasons for the assignment of the RE-4 reenlistment code, it now serves no useful purpose. Therefore, the Board concludes that the RE-4 reenlistment code should now be changed to an RE-1 reenlistment code.

Given its conclusion that the RE-4 reenlistment code was correctly assigned in 1994, the Board further concludes that this Report of Proceedings should be filed in Petitioner's naval

record so all future reviewers will understand the reasons for the change in the reenlistment code.

RECOMMENDATION:

a. That Petitioner's naval record be corrected by changing the Re-4 reenlistment code assigned on 22 July 1994 to RE-1.

b. That this Report of Proceedings be filed in Petitioner's naval record.

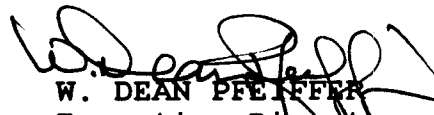
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER
Executive Director